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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,051	02/26/2004	Arthur M. Krieg	C1039.70083US06	8295
Helen C. Lockh	7590 12/22/2006 art Ph D	EXAMINER		
Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210			OGUNBIYI, OLUWATOSIN A	
			ART UNIT	PAPER NUMBER
			1645	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVER	Y MODE
31 DAYS 12/22/2006		12/22/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)				
	10/789,051	KRIEG ET AL.				
Office Action Summary	Examiner	Art Unit .				
	Oluwatosin Ogunbiyi	1645				
The MAILING DATE of this communication apperiod for Reply	pears on the cover sheet with	the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION IN THE PROPERTY AND A STATE OF THE STATE OF	ATION. lly be timely filed HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).				
Status		·				
1) Responsive to communication(s) filed on 2a) This action is FINAL . 2b) This 3) Since this application is in condition for allowa	s action is non-final.	rs, prosecution as to the merits is				
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) ⊠ Claim(s) <u>28-47</u> is/are pending in the applicatio 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☒ Claim(s) <u>32-34-36-36-45-44</u> are subject to rest	wn from consideration.	ement.				
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine 11.	epted or b) objected to by drawing(s) be held in abeyance tion is required if the drawing(s)	e. See 37 CFR 1.85(a).) is objected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Apprintly documents have been re u (PCT Rule 17.2(a)).	olication No eceived in this National Stage				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/	mmary (PTO-413) Mail Date ormal Patent Application				

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Art Unit: 1645

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species:

- 1. Species of linkages: covalent, ionic, encapsulated.
- 2. Species of oligonucleotides: 5'-TCAACGTT-3', 5'-TGACGTC-3', 5'-TGACGTC-3'.
- 3. Methods of administration: oral, subcutaneous, intravenous, parenteral, transdermal.

The species are independent or distinct because (1) the linkages have distinct chemical bonds (2) the oligonucleotides have different sequences and are therefore distinct and a search for one sequence will not overlap with a search for the other sequences (3) the routes of administration involve distinct modes of administration.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed combination of species (i.e. one linkage, one oligonucleotide and one mode of administration) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 28,31,32 and 39 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a combination of species to be examined even though the

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requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103 (a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oluwatosin Ogunbiyi whose telephone number is 571-272-9939. The examiner can normally be reached on 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on 571-272-0787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Oluwatosin Ogunbiyi Examiner

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